

whom the court is awarding custody is the permanent plan for the juvenile, though this finding is not required if the court is awarding custody to a parent or to a person with whom the child was living when the juvenile petition was filed."

SECTION 5. G.S. 50-13.1 is amended by adding a new subsection to read:

"(i) If the child whose custody is the subject of an action under this Chapter also is the subject of a juvenile abuse, neglect, or dependency proceeding pursuant to Subchapter 1 of Chapter 7B of the General Statutes, then the custody action under this Chapter is stayed as provided in G.S. 7B-200."

SECTION 6. This act becomes effective October 1, 2005, and applies to juvenile proceedings and civil actions pending or filed on or after that date.

In the General Assembly read three times and ratified this the 16th day of August, 2005.

Became law upon approval of the Governor at 12:25 p.m. on the 25th day of August, 2005.

S.B. 1124

Session Law 2005-321

AN ACT TO IMPOSE A PENALTY FOR BREACHING THE CONFIDENTIALITY OF SCHOOL EMPLOYEE PERSONNEL FILES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-321 reads as rewritten:

"§ **115C-321. Confidential information in personnel files; access to information.**

(a) All information contained in a personnel file, except as otherwise provided in this Chapter, is confidential and shall not be open for inspection and examination except to any of the following persons:

- (1) The employee, applicant for employment, former employee, or his properly authorized agent, who may examine his own personnel file at all reasonable times in its entirety except for letters of reference solicited prior to ~~employment; employment.~~
- (2) The superintendent and other supervisory ~~personnel; personnel.~~
- (3) Members of the local board of education and the board's ~~attorney; attorney.~~
- (4) A party by authority of a subpoena or proper court order may inspect and examine a particular confidential portion of an employee's personnel file.

(b) Notwithstanding any other provision of this Chapter, any superintendent may, in his discretion, or shall at the direction of the Board of Education, inform any person or corporation of any promotion, demotion, suspension, reinstatement, transfer, separation, dismissal, employment or nonemployment of any applicant, employee or former employee employed by or assigned to the local board of education or whose personnel file is maintained by the board and the reasons therefor and may allow the personnel file of the person or any portion to be inspected and examined by any person or corporation provided that the board has determined that the release of the information or the inspection and examination of the file or any portion is essential to maintaining the integrity of the board or to maintaining the level or quality of services provided by the board; provided, that prior to releasing the information or making the file or any